

STEPTOE & JOHNSON^{LLP}
ATTORNEYS AT LAW

David H. Coburn
202.429.8063
dcoburn@steptoe.com

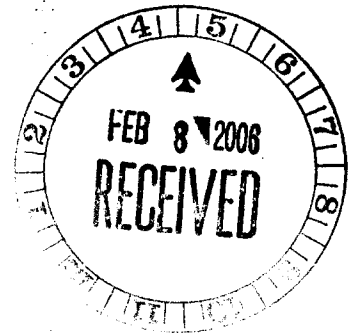
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com

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February 8, 2006

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, DC 20423-0001

ENTERED
Office of Proceedings
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Public Record



Re: Section 5a Application No. 46 (Sub No. 20), Southern Motor Carriers Rate Conference, Inc.

Dear Secretary Williams:

Rocky Mountain Tariff Bureau, Inc. ("RMB") hereby responds to the January 27, 2006 letter from counsel for the Southern Motor Carriers Rate Conference, Inc. ("SMC") inquiring as to the timing of a Board decision in the above proceeding. In this proceeding, SMC seeks approval to expand the scope of its antitrust immunized ratemaking agreement so as to allow its member carriers to engage in collective ratemaking on a nationwide basis, rather than within the territory long defined in the SMC ratemaking agreement. RMB has opposed, and continues to oppose, SMC's application on the ground that SMC has failed to offer any reason why its immunity should be broadened, and because the public interest would be best served by retaining existing ratemaking territories.

RMB submits (as it argued at the oral hearing in this proceeding) that the Board's consideration of SMC's nationwide ratemaking proposal should await the completion of the Board's on-going review of the agreements of each of the rate bureaus, including SMC's, in Ex Parte No. 656, *Motor Carrier Rate Bureaus -- Periodic Review Proceeding* (served December 13, 2004).¹ Any determinations that the Board makes in that review proceeding could conceivably have a bearing on SMC's nationwide ratemaking application, thereby making it more logical to first complete that review proceeding.

¹ RMB also notes that by decision served October 13, 2005, the Board initiated a separate investigation of certain practices of the National Classification Committee relative to the renewal of its antitrust immunity. See Ex Parte No. 656 (Sub No. 1), *Investigation into the Practices of the National Classification Committee*.

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Finally, RMB notes that SMC is the only rate bureau actively seeking an expansion in the scope of its antitrust immunity, and that its request is opposed by the National Industrial Transportation League and the U.S. Department of Transportation. While SMC has sought the amendment of its ratemaking agreement for many years, and claims that this proceeding is of critical importance to its members, the fact is that the motor carrier industry remains highly competitive and that no carrier (including any SMC member carrier) is constrained from offering a competitive rate for any traffic it may seek to transport between any two points in the United States. Thus, the Board should be cautious in expanding antitrust immunity and changing a status quo in which the public interest is being served.

Respectfully,

A handwritten signature in dark ink, appearing to read "David H. Coburn", with a stylized flourish at the end.

David H. Coburn
Attorney for Rocky Mountain Tariff Bureau, Inc.

cc: All parties of record